REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are pending in the present application, Claims 1-8 having been currently amended, and Claims 9 and 10 having been added by the present amendment. Support for amended Claims 1-8 can be found in the claims and specification as originally filed.[1] Thus, no new matter is added.

In the outstanding Action, the title and claims were objected to due to informalities; Claims 1-7 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-5 and 7-8 were rejected under 35 U.S.C. § 101; Claims 1-3 were rejected under 35 U.S.C. § 102(b) as anticipated by Aucsmith (U.S. Patent No. 5,915,018); Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Aucsmith in view of Gruse et al. (U.S. Patent No. 6,389,538; hereinafter "Gruse"); Claims 5-6 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aucsmith in view of Ishibashi et al. (U.S. Patent No. 7,353,541; hereinafter "Ishibashi"); and Claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over Ausmith in view of Gruse and Ishibashi.

With respect to the objection to the title and claims, the specification and Claims 1-4 and 8 have been amended to correct the informalities noted in the outstanding Office Action. Accordingly, Applicants respectfully request that the objection to the title and claims be withdrawn.

With respect to the rejection of Claims 1-7 under 35 U.S.C. § 112, second paragraph, Applicants have amended the claims to correct the informalities noted in the outstanding Office Action. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

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[1] See specification, page 8, paragraph 1.

Addressing now the rejection of Claims 1-5 and 7-8 under 35 U.S.C. § 101, Applicants respectfully submit that the amended claims are believed to be clearly directed to statutory subject matter.

Claim 1 has been amended to define a computer-readable storage medium, and that the first execution file is executed by an information processing apparatus including a processor. MPEP 2106.01 I states that:

> A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

In addition, independent Claim 5 has been amended to define an information processing apparatus including a processor. An apparatus including a processor clearly falls within the machine category of enumerated patentable subject matter.

Furthermore, independent Claim 8 has been amended to define an information processing method of an information processing apparatus into which a computer-readable storage medium is inserted. Therefore, independent Claim 8 clearly recites an information processing method that produces a useful, concrete, and tangible result.

In view of the presently submitted claim amendments and foregoing comments Applicants respectfully submit that independent Claims 1, 5 and 8, and claims depending thereon, define statutory subject matter. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 101 be withdrawn.

In response to the rejection of Claims 1-3 under 35 U.S.C. § 102(b) as anticipated by Aucsmith, Applicants respectfully submit that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied reference.

Amended Claim 1 is directed to an information recording medium including, *inter alia*:

>...a ***first execution file*** recorded on said computer-readable storage medium using a copy protection mechanism, said first execution file including
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>>authenticating means for performing an authentication process with a ***second execution file***,
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>>key obtaining means for obtaining unique key information unique to said first execution file, and
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>>transmitting means for transmitting said unique key information to said second execution file,
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>>wherein said first execution file is executed by an information processing apparatus including a processor, when said computer-readable storage medium is inserted into said information processing apparatus and said second execution file generates a content key from said unique key information, decrypts encrypted content using the content key, and ***reproduces the decrypted content***.

Aucsmith describes a cryptographic system and method for secure distribution and management of cryptographic keys for use in a DVD copy protection scheme.[2] Aucsmith further describes that a DVD drive reads an encrypted content key out of a DVD disc, and decrypts the content key using a public key corresponding to a private key maintained by an encryption organization.[3] The DVD drive receives the encrypted public key from a video controller, and decrypts the encrypted public key to determine whether the video controller is on a list of compromised video controllers.[4] If not on the list, the compressed and encrypted content is sent from the DVD drive to the decoder.[5] From there, the decoder decompresses the data received from the DVD drive and sends the data to the video controller to be decrypted.[6]

Aucsmith, however, does not teach or suggest "a first execution file including...transmitting means for transmitting said unique key information to said second execution file, wherein...said second execution file generates a content key from said unique

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[2] See Aucsmith, Abstract.
[3] See Aucsmith, column 6, line 60 - column 7, line 7.
[4] See Aucsmith, column 7, line 8 -
[5] See Aucsmith, column 7, lines 60-61.
[6] See Aucsmith, column 7, lines 63-65.

key information, decrypts encrypted content using the content key, and *reproduces the*

decrypted content," as is recited in amended Claim 1.

Applicants initially note that <u>Aucsmith</u> does not describe *execution files*, but rather

describes specific *hardware* performing various functions. In particular, <u>Aucsmith</u> describes

that the DVD drive receives an encrypted public key from a video controller. Accordingly,

Applicants' invention advantageously provides the possibility for various arrangements of the

reproducing module and the encrypted content in accordance with various locations of the

execution files.[7]

Page 5 of the outstanding Office Action states that <u>Aucsmith</u> describes that a first

execution file (second portion 304) transmits unique key information (second key) to a

second execution file (video controller). However, in contrast to Applicants' claimed

invention, the video controller in <u>Aucsmith</u> does not generate a content key based on the

unique key information and use that content key to decrypt the content and *reproduce the*

content.

Accordingly, Applicants respectfully submit that amended independent Claim 1 (and

claims depending thereon) patentably distinguishes over <u>Aucsmith</u>. Thus, Applicants

respectfully request the rejection of Claims 1-3 under 35 U.S.C. § 102(b) be withdrawn.

In response to the rejection of Claim 4 under 35 U.S.C. § 103(a), Applicants note that

Claim 4 is dependent on Claim 1 and is believed to be patentable for at least the reasons

discussed above. Further, Applicants respectfully submit that <u>Gruse</u> fails to cure any of the

above-noted deficiencies of <u>Aucsmith</u>.

Accordingly, Applicants respectfully request the rejection of Claim 4 under 35 U.S.C.

§ 102() be withdrawn.

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[7] See specification, page 9 and dependent Claim 3.

In regard to the rejection of Claims 5-6 and 8 under 35 U.S.C. § 103(a) as unpatentable over Aucsmith in view of Ishibashi, Applicants note that Claim 5 recites "said second execution file includes…key generating means for generating encryption key information based on unique key information obtained from said first execution file, decrypting means for decrypting said encrypted content using said encryption key information, and reproducing means for reproducing the decrypted content," and is believed to distinguish over Aucsmith as described above.

Ishibashi describes an information receiving apparatus for the management of data and prevention of illegal uses.[8] However, Ishibashi fails to teach or suggest "said second execution file includes…key generating means for generating encryption key information based on unique key information obtained from said first execution file, decrypting means for decrypting said encrypted content using said encryption key information, and reproducing means for reproducing the decrypted content," as recited in Claim 5. Specifically, Ishibashi fails to teach or suggest a first execution file and a second execution file.

Moreover, the outstanding Office Action states that Ishibashi describes a "means for reproducing content" and that "it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Aucsmith in view of Ishibashi to establish a reproduction process because there is an increase in efficiency working through local copies of a content."

However, Applicants respectfully submit that it would not have been obvious to apply the reproducing described in Ishibashi to Aucsmith. For example, Aucsmith describes that if the video controller is not on a list of compromised controllers, the encrypted content is sent from the DVD drive to the decoder. The decoder decompresses the encrypted content and sends the information back to the video controller. The video controller then decrypts the

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[8] See Ishibashi, Abstract.

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encrypted content and generates analog video signals. However, in <u>Aucsmith</u> there is no

motivation to reproduce the decrypted content, because the decrypted content is ***already local***

to the video controller.

In addition, a reproduction process by the second execution file (video controller)

would not increase efficiency, but instead would ***decrease efficiency*** because the decrypted

content is already local to the video controller.

Therefore, Applicants respectfully submit that it would not have been obvious for a

person of ordinary skill in the art to modify the teachings from these references so as to arrive

at Applicant's claimed inventions.

Therefore, for at least the above noted reasons, Applicants respectfully submit that

Claims 5-6 and 8 patentably distinguish over <u>Aucsmith</u> and <u>Ishibashi</u>.

Accordingly, Applicants respectfully request that the rejection of Claims 5-6 and 8

under 35 U.S.C. § 103(a) be withdrawn.

In response to the rejection of Claim 7 under 35 U.S.C. § 103(a), Applicants note that

Claim 7 is dependent on Claim 5 and is believed to be patentable for at least the reasons

discussed above. Further, Applicants respectfully submit that <u>Gruse</u> and <u>Ishibashi</u> fail to cure

any of the above-noted deficiencies of <u>Aucsmith</u>.

Accordingly, Applicants respectfully request the rejection of Claim 7 under 35 U.S.C.
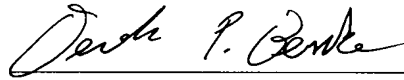
§ 103(a) be withdrawn.

In order to vary the scope of protection recited in the claims, new Claims 9 and 10 are

added. New Claims 9 and 10 find non-limiting support in the disclosure as originally filed,

for example at page 9, lines 8-21.

Therefore, the changes to the claims are not believed to raise a question of new

matter.[9]

Consequently, in view of the present amendment and in light of the above discussion,

the outstanding grounds for rejection are believed to have been overcome. The application as

amended herewith is believed to be in condition for formal allowance. An early and

favorable action to that effect is respectfully requested.

Respectfully submitted,

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[9] See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of
the application as filed may be added to any other part of the application without introducing new matter."

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